



**MEETING OF THE CITY COMMISSION – AGENDA
WEDNESDAY, MARCH 16, 2022 AT 7:00 P.M.
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER: Mayor Becky Smith

MEMBERS PRESENT

Vice Mayor Giefer
Commissioner Brinkman
Commissioner Gilligan
Commissioner Sauder

PROCLAMATIONS

PUBLIC FORUM

NEW BUSINESS

1) CONVENTION AND VISITORS ADVISORY BOARD (CVAB) APPOINTMENT.

Presented by Commissioners Jamie Sauder and Robert F. Gilligan.

RECOMMENDED ACTION: Appoint Joe Foster to serve on the Convention and Visitors Advisory Board.

2) PUBLIC HEARING ON THE ESTABLISHMENT OF THE RHID DISTRICT FOR THE KRETSINGER ADDITION PROJECT.

Presented by Jim Witt, Special Project Manager

RECOMMENDED ACTION: Open Public Hearing, hear comments, close hearing.

3) RESOLUTION & ANNUAL REVIEW OF SOLID WASTE MANAGEMENT PLAN.

Presented by Dean Grant, Public Works Director.

RECOMMENDED ACTION: Approve Resolution.

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

1) February Financials & Building Permits

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 2) Approve the minutes of the March 2, 2022, City Commission Meeting and the minutes for the March 9, 2022, Adjourned Meeting.
- 3) Ratification and Approval of the Payroll Ordinances for the periods ending March 11, 2022.
- 4) Set Bid Time and Date for Street Rehab Project.

RECOMMENDED ACTION: Approve the Consent Agenda as presented.

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Agenda Items for March 23, 2022 Study Session.

GOVERNING BODY COMMENTS

Mayor Becky Smith

Vice Mayor Danny Giefer

Commissioner Rob Gilligan

Commissioner Susan Brinkman

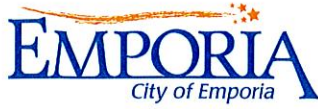
Commissioner Jamie Sauder

EXECUTIVE SESSION:

AN EXECUTIVE SESSION FOR CONSULTATION WITH AN ATTORNEY FOR THE PUBLIC BODY OR AGENCY WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP. K.S.A. 75-4319(B)(2) IS THE AUTHORITY FOR THIS RECESS INTO EXECUTIVE SESSION.

RECOMMENDED ACTION: Recess into executive session for consultation with the City Attorney regarding a legal matter for 15 minutes inviting Police Chief Ed Owens and stating at which time the open meeting will resume.

ADJOURNMENT



Commission Action Report

Title: Convention and Visitors Advisory Board Appointment
Proposed Agenda Date: March 16, 2022
Presented By: Commissioner Gilligan and Sauder

BACKGROUND:

Currently the City has one opening on the Convention and Visitors Advisory Board (CVAB). At this time, we have received one application from Joe Foster. City Commissioners Gilligan and Sauder have interviewed this candidate and recommend appointing him to the board. Attached is a copy of his application.

DISCUSSION:

NA

FINANCIAL CONSIDERATIONS:

NA

OTHER CONSIDERATIONS:

NA

RECOMMENDED ACTION:

Appoint Joe Foster to the Convention and Visitors Advisory Board.

ATTACHMENTS:

Application

APPLICATION FOR ADVISORY BOARD MEMBERSHIP

RECEIVED
FEB 23 2022
BY:

DATE: 02/23/2022

NAME:	Joe	B	Foster
	First Name	MI	Last Name

ADDRESS:	1014 neosho street		
	Street		
	emporia	KS	66801
	City	State	ZIP

Email: jfoster1@emporia.edu

PHONE: 6207571429

PLACE OF EMPLOYMENT: ESU

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 15 years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
EMPORIA-LYON COUNTY CONVENTION AND TOURISM COMMITTEE
(CVB)

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE

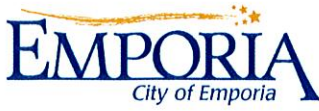
ADVISORY BOARD(S) MENTIONED ABOVE:

I have vested interested in the community. I understand the importance that the CVB has on the community and would like to be involved.

OTHER ACTIVITIES AND INTERESTS:

I am not currently serving on any other boards or committees at this time.

In Lieu of Signature, Click Here



Commission Action Report

Title: Public Hearing on the establishment of and RHID District for the Kretsinger Addition Project.

Proposed Agenda Date: March 16, 2022

Presented By: JG Witt, SPC

BACKGROUND:

On February 2, 2022 the Commission passed Resolution 3663 establishing a hearing date for the creation of the RHID project. This Resolution was in accordance with state statutes requiring a hearing before formalizing the district thru the passage of an ordinance.

DISCUSSION:

This process is outlined in state statutes and provides for public input and comment. The Commission role is to consider any comments and then formally close the hearing. Both Emporia USD and Lyon County have been provided direct notice as required.

FINANCIAL CONSIDERATIONS:

This action has no impact on City finances and is strictly an administrative action

OTHER CONSIDERATIONS:

None

RECOMMENDED ACTION:

Open public hearing, hear comment, close the hearing.

ATTACHMENTS:

Resolution #3663

Development Plan for the proposed Kretsinger Addition.

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT, ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING. (*Kretsinger Addition Project*)

WHEREAS K.S.A. 12-5241 et seq. (the "Act") authorizes any city incorporated in accordance with the laws of the state of Kansas (the "State") with a population of less than 60,000 located in a county with a population of less than 80,000 to designate rural housing incentive districts within such city; and

WHEREAS, the City of Emporia, Kansas (the "City") has an estimated population of approximately 24,139, is in Lyon County, Kansas (the "County"), which has an estimated population of approximately 32,179, and therefore constitutes a city as said term is defined in the Act; and

WHEREAS, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

WHEREAS, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein.

WHEREAS, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the "Secretary") requesting that the Secretary agree with the finding contained in such resolution; and

WHEREAS, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development of housing and public facilities in the proposed district; and

WHEREAS, the Governing Body of the City has performed an amended Housing Needs Analysis dated August 2020 (the "Analysis"), a copy of which is on file in the office of the Community Development Coordinator; and

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 3643 which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution and Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated June 2, 2021, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the "District"); and

WHEREAS, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed District in accordance with the provisions of the Act (the "Plan"); and

WHEREAS, the Plan includes:

1. The legal description and map required by subsection (a) of K.S.A. 12-5245;
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows the public benefits derived from such District will exceed the costs and that the income therefore, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such District; and

WHEREAS, the Governing Body of the City proposes to continue proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act, and adopt the Plan, by the calling of a public hearing on such matters.

THEREFORE, BE IT RESOLVED by the Governing Body of the City of Emporia, Kansas as follows:

Section 1. Proposed Rural Housing Incentive District. The Governing Body hereby declares an intent to establish within the City a Rural Housing Incentive District. The District is proposed to be formed within the boundaries of the real estate legally described in *Exhibit A* attached hereto, and shown on the map depicting the existing parcels of land attached hereto as *Exhibit B*. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land and improvement values separately, is attached hereto as *Exhibit C*.

Section 2. Proposed Plan. The Governing Body hereby further declares an intent to adopt the Plan in substantially the form presented to the Governing Body this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, are as described herein:

Housing Facilities- The housing facilities will be composed of 53 single family housing units.
Public Facilities- Public improvements will include the construction of infrastructure improvements located within or adjacent to the boundaries of the District, including water, sanitary sewer, and electric improvements. Infrastructure improvements will be constructed concurrently with the project.

Section 3. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on March 16th, 2022 in the City Commission Meeting Room of the Civic Auditorium, 515 Mechanic St., Emporia, Kansas; the public hearing is to commence at 7 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

Section 4. Notice of the Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions.

- a. A certified copy of this resolution shall be delivered to:
 - (i) The Board of County Commissioners of Lyon County, Kansas.
 - (ii) The Board of Education of U.S.D. No. 253; and
 - (iii) The Emporia/Lyon County Metropolitan Area Planning Commission
- b. This Resolution, specifically including Exhibits A thru C attached hereto, shall be published at least once in the official newspaper of the City not less than one week or more than two weeks preceding the date of the public hearing.

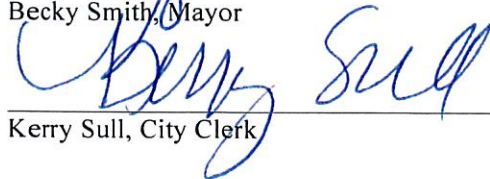
Section 5. Further Action. The Mayor, City Clerk, city officials and employees, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 6. Effective Date: This Resolution shall take effect after its adoption by the Governing Body

Adopted by the Governing this 2nd day of February 2022



Becky Smith, Mayor



Kerry Sull, City Clerk



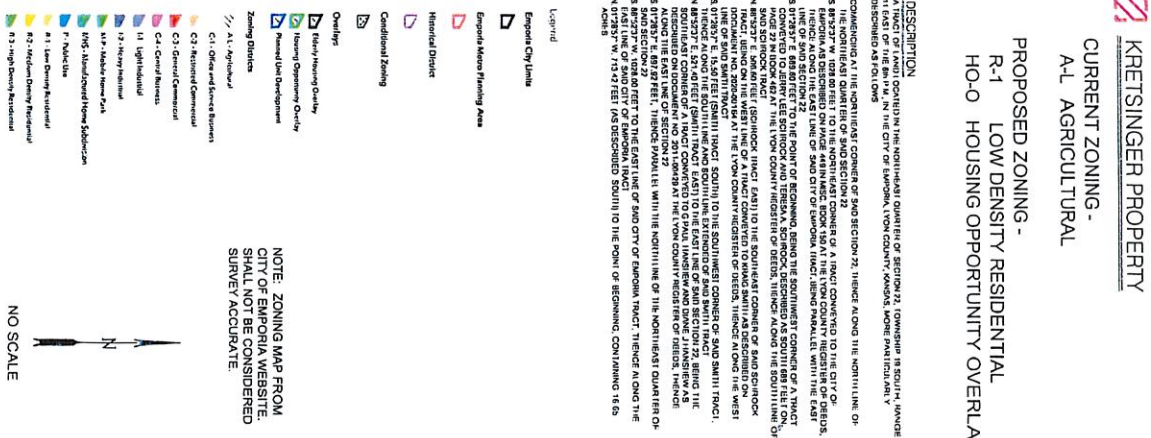
Attachment A

Legal description:

A TRACT OF LAND IN THE NE1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A STONE THAT IS S89°53'02"W, 1022.43 FEET AND S0°16'06"E, 689.37 FEET FROM THE NORTHEAST CORNER OF SAID NE1/4 AND DESCRIBED ON PAGE 491 IN BOOK 129 OF MISCELLANEOUS RECORDS AT THE LYON COUNTY REGISTER OF DEEDS OFFICE AS BEING 689 FEET SOUTH OF A POINT 1023 FEET WEST OF THE NORTHEAST CORNER OF SECTION 22; THENCE N89°53'02"E, 501.60 FEET; THENCE S0°20'48"E, 15.50 FEET; THENCE N89°53'02"E, 521.77 FEET TO THE EAST LINE OF THE AFOREMENTIONED NE1/4; THENCE S0°20'48"E, 697.92 FEET ALONG THE EAST LINE OF THE SAID NE1/4; THENCE S89°53'02"W, 1028.37 FEET; THENCE N0°20'48"W, 713.42 FEET; THENCE N89°53'02"E, 5.00 FEET TO THE POINT OF BEGINNING, LYON COUNTY, KANSAS.

Attachment B

See attached Map



NO SCALE

REZONING		REVIEW NOT FOR CONSTRUCTION 11-02-21	NO.		REVISIONS	DATE	INITIALS
KRETSINGER DEVELOPMENT SOUTH EXCHANGE ST/ EMPORIA KS							
Engineer: NAB							
Designer: DJG							
Date: 11.02.21							
Project No: 20-1050E							
Sht. No.: 1							
Total Shts.: 1							

**BG CONSULTANTS**
ENGINEERS ARCHITECTS SURVEYORS

Attachment C

Kretsinger, John D & Claudia V; Revocable Trust
and their Successors and Assigns
802 S Commercial St
Emporia, KS 66801-8805

☐Valuation

Class	2021 Appraised Value		Total
	Land	Building	
A	\$1,930	\$0	\$1,930
Total	\$1,930	\$0	\$1,930

Development Plan

Kretsinger Addition

S. Exchange and Sodens Rd.

Ignite Emporia - Project Developer



1. Legal Description and Map (Exhibit A)

Legal description:

A TRACT OF LAND IN THE NE1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A STONE THAT IS S89°53'02"W, 1022.43 FEET AND S0°16'06"E, 689.37 FEET FROM THE NORTHEAST CORNER OF SAID NE1/4 AND DESCRIBED ON PAGE 491 IN BOOK 129 OF MISCELLANEOUS RECORDS AT THE LYON COUNTY REGISTER OF DEEDS OFFICE AS BEING 689 FEET SOUTH OF A POINT 1023 FEET WEST OF THE NORTHEAST CORNER OF SECTION 22; THENCE N89°53'02"E, 501.60 FEET; THENCE S0°20'48"E, 15.50 FEET; THENCE N89°53'02"E, 521.77 FEET TO THE EAST LINE OF THE AFOREMENTIONED NE1/4; THENCE S0°20'48"E, 697.92 FEET ALONG THE EAST LINE OF THE SAID NE1/4; THENCE S89°53'02"W, 1028.37 FEET; THENCE N0°20'48"W, 713.42 FEET; THENCE N89°53'02"E, 5.00 FEET TO THE POINT OF BEGINNING, LYON COUNTY, KANSAS.

2. Assessed Valuation for Tax Year 2021 was \$1,930.00

Valuation

Class	2021 Appraised Value		
	Land	Building	Total
A	\$1,930	\$0	\$1,930
Total	\$1,930	\$0	\$1,930

3. Primary Owner:

Kretsinger, John D & Claudia V; Revocable Trust
and their Successors and Assigns
802 S Commercial St
Emporia, KS 66801-8805

4. Development of a new 52 Lot Subdivision for the development of single-family homes with a target market price of \$200,000 to \$225,000. ("Target Market Price" reflects Slab on Grade 3 Bedroom/2 Bathroom Home of roughly 1,200 Square Feet Livable Space. Owner additions or upgrades including basement options not included in target price point.) Example Floorplan can be viewed in Exhibit B.

5. Names and addresses of developer and property owned in District Emporia Area Chamber of Commerce, 719 Commercial St. Emporia, KS
See Exhibit C for List of Board of Directors
6. Contractual Assurances of the Developer – Developers intend to utilize the RHID tool to reimburse the cost of construction of development infrastructure estimated to be approximately \$3.5 Million in total cost. Financing for the project will be negotiated with City input on best responsible strategy for City of Emporia Tax Payers.

7. Comprehensive Feasibility Analysis

Exhibit D shows an RHID Revenue project based on a 4-year neighborhood build out schedule. Because of anticipated demand and collaboration with multiple local builders the build out phase could be completed within 3-years of lots being made available for construction.

8. The Lyon County Housing Study completed in 2020 indicated a critical need for available lots for housing development to help ease the strain on our current housing market. While this development won't solve our current housing shortage it will create an opportunity for new homes to be added to our inventory and can be combined with additional efforts to explore infill development, upper-story development and additional single-family projects both detached and attached. There is a critical need for housing for our local workforce and community and this project hopes to help fill this need.

[illegible]

NO SCALE

EXHIBIT B



Client:
Ignite Emporia
719 Commercial St
Emporia, KS 66801
Ph: (620) 342-1600

JoBeth Hancock
Harmony

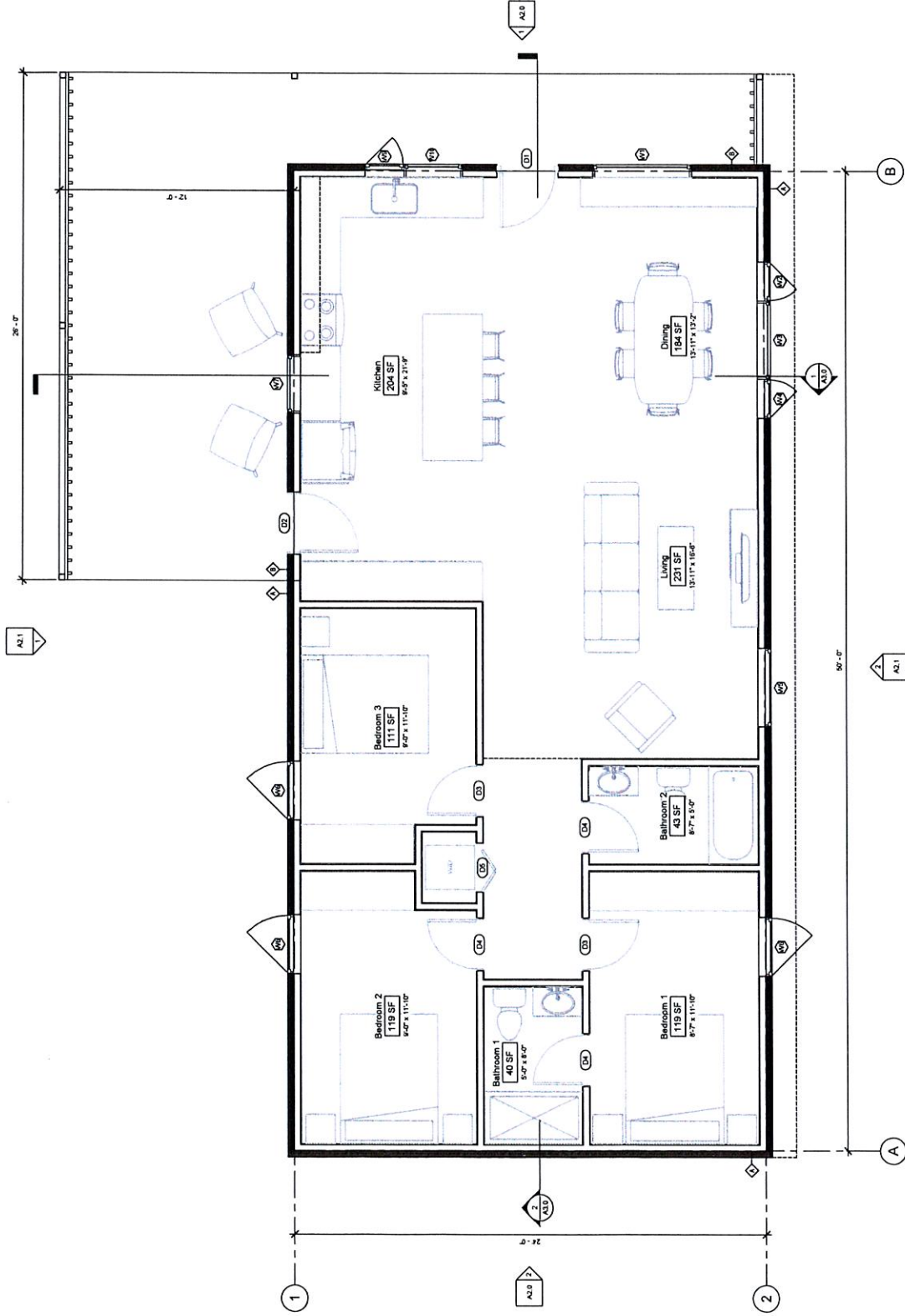


Issue Status
Construction Documentation

Date: December 6, 2021

Floor Plan

A1.2

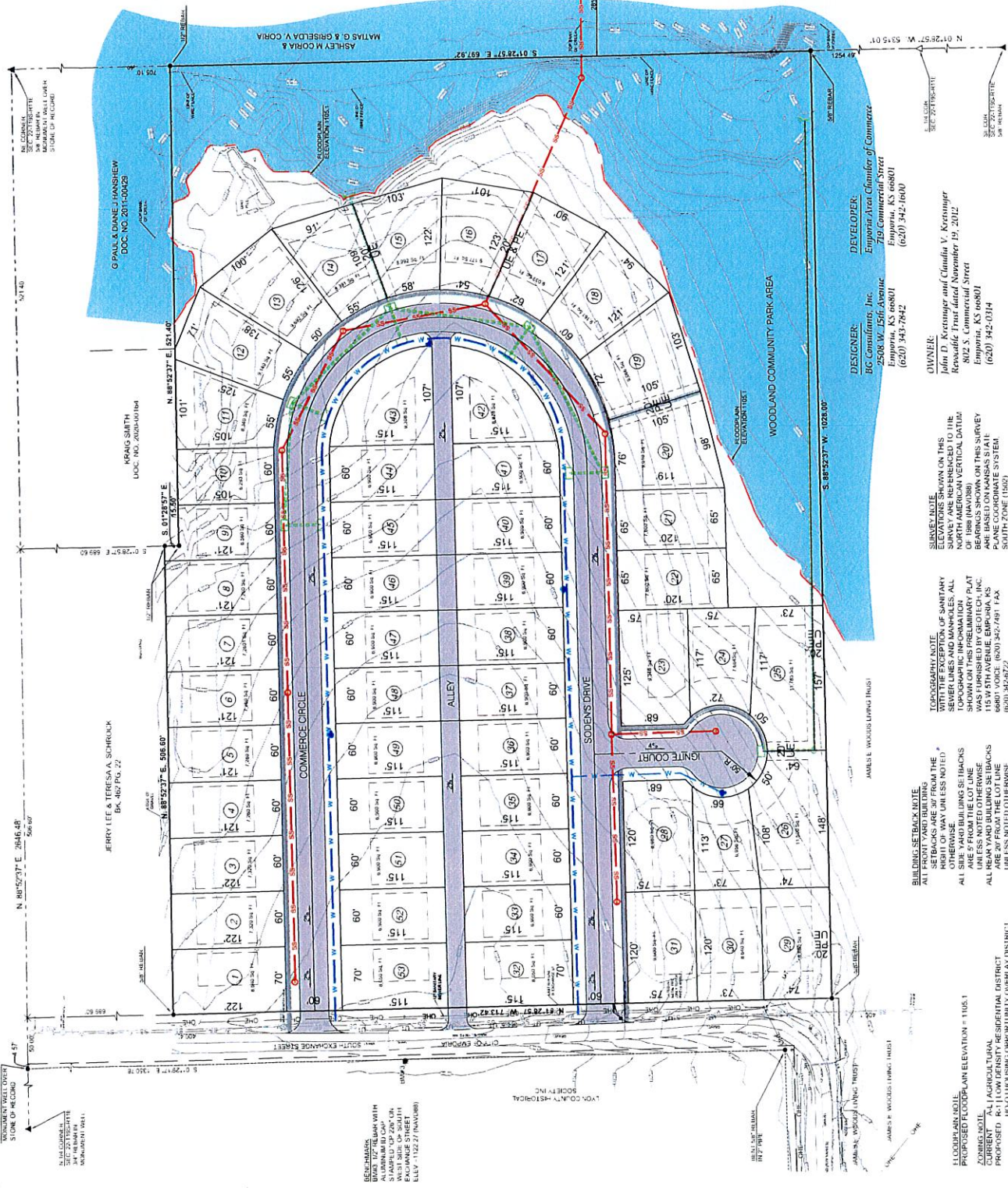


1 | Floor Plan
A1.2 | SCALE 3/8" = 1'-0"

Emporia Area Chamber of Commerce Board of Directors - 2022 - Exhibit C

First Name	Last Name	Organization	Role
Allison	Anderson-Harder	Emporia Public Schools	Board Member
Carla	Barnett	Community National Bank	Chairman of Board
Lori	Clark	Clark Carpet & Tile, Inc.	Board Member
Susan	Cochennet	Gufler Mansion	Board Member
Matthew	Coleman	Hill's Pet Nutrition, LLC	Vice-Chairman
Bryan	Crouch	Flint Hills Technical College	Vice-Chairman
Tyler	Curtis	Kansas Area United Methodist Foundation	Board Member
LeLan	Dains	Visit Emporia	Director Visit Emporia
Rob	Gilligan	Emporia Area Chamber of Commerce	Director Ignite Emporia
Kelly	Heine	Emporia State University	Board Member
Ronda	Henery	Jack's Lawn & Pool Store	Board Member
Matt	Johnson	Keller Williams Realty Diamond Partners Inc.	Chair-Elect
J. Greg	Jordan	Lyon County History Center	Visit Emporia Liaison
Joey	LeMay	Simmons Pet Food KS, Inc.	Vice-Chairman
Amy	Little	Emporia Area Chamber of Commerce	Membership Director
Jeanine	McKenna	Emporia Area Chamber of Commerce	President/CEO
Dan	Nichols	Pizza Ranch	Board Member
Nik	Roth	PrairieLand Partners	Immediate Past Chair
Houston	Sober	Houston Sober Agency - Farmers Insurance	Board Member
Trey	Sommers	Sommers Auto Plaza	Board Member
Josh	Thuma	Agler & Gaeddert, Chtd.	Treasurer
Aaron	Trelc	Mark II Lumber	Board Member

[illegible]



- LEGEND**
- | | |
|----|-------------------------------|
| ▲ | FOUNDED MONUMENTS |
| △ | SET SECTION CORNER |
| — | EXISTING WATERLINES |
| — | EXISTING SANITARY SEWER |
| — | FLOODPLAIN ELEVATION (1105.3) |
| — | PROPOSED WATERLINE |
| — | PROPOSED FIRE HYDRANT |
| — | PROPOSED SANITARY SEWER |
| — | PROPOSED MAINLINE |
| — | PROPOSED STORM SEWER |
| — | PROPOSED STORM INLET |
| — | PROPOSED SIDEWALK |
| ④7 | PROPOSED LOT NUMBER |
| UE | UTILITY LASH MARK |

[illegible]

PRELIMINARY PLAT

*Kretsinger
Subdivision*

an Addition to the City of Emporia, Lyon County, Kansas

Prepared By

BG CONSULTANTS
Engineering - Architecture - Interiors

January 14, 2022 22:11:20E

SURVEY NOTE
ELEVATIONS SHOWN ON THIS
SURVEY ARE REFERENCED TO THE
NORTH AMERICAN VERTICAL DATUM
OF 1988 (NAV88)
BEARINGS SHOWN ON THIS SURVEY
ARE BASED ON KANSAS STATE
PLANE COORDINATE SYSTEM
SOUTH ZONE (1502)

TOPOGRAPHY NOTE
WITH THE EXCEPTION OF SANITARY
SEWER LINES AND MANHOLES, ALL
TOPOGRAPHIC INFORMATION
SHOWN ON THIS PRELIMINARY PLAT
WAS FURNISHED BY GEOTECH, INC.
115 W 5TH AVENUE, EMPORIA, KS
66801 VOICE: (620) 342-7491 FAX:
(620) 342-6722

BUILDING SETBACK NOTE:
ALL FRONT YARD BUILDING
 SETBACKS ARE 30' FROM THE
 RIGHT OF WAY UNLESS NOTED
 OTHERWISE.
ALL SIDE YARD BUILDING SETBACKS
 ARE 5' FROM THE LOT LINE
 UNLESS NOTED OTHERWISE.
ALL REAR YARD BUILDING SETBACKS
 ARE 20' FROM THE LOT LINE
 UNLESS NOTED OTHERWISE.

AL
RESIDENTIAL DISTRICT
OPPORTUNITY OVERLAY DISTRICT

FLOODPLAIN NOTE
PROPOSED FLOODPLAIN E

ZONING NOTE
CURRENT A-1 | AGRICULTURAL
PROPOSED R-1 | LOW DENSITY RESIDENTIAL
HO-0 | HOUSEHOLD



Commission Action Report

Title: Annual Review of the 2020 Solid Waste Management Plan

Proposed Agenda Date: March 16, 2022

Presented By: Dean Grant/Public Works Director

BACKGROUND:

The City of Emporia, Lyon County and Chase County are required to complete Annual Reviews and a Comprehensive Update every 5 years of the regional Solid Waste Management Plan (SWMP). The SWMP Committee met on Thursday, February 24, 2022. At the end of the meeting, the Annual Review Plan for 2020 was unanimously approved with changes identified by members of the Committee.

DISCUSSION:

Kansas Statute Annotated 65-3405 and Kansas Administrative Regulation 28-29-75 through 82 identifies guidelines for the plan and how it must be maintained. Each Commission in the Region must adopt the SWMP annually. No major changes were made to the 2020 plan.

FINANCIAL CONSIDERATIONS:

None

OTHER CONSIDERATIONS:

None

RECOMMENDED ACTION:

Adopt Annual Review of the Solid Waste Management Plan for the year 2020 and the Approve Resolution.

ATTACHMENTS:

2020 Solid Waste Management Plan and Resolution

RESOLUTION NO. ____

**A RESOLUTION RELATNG TO THE ANNUAL REVIEW OF THE SOLID WASTE
MANAGEMENT PLAN OF CHASE COUNTY, LYON COUNTY, AND THE CITY OF
EMPORIA**

WHEREAS, the Solid Waste Management Planning Committee met February 24, 2022 at the City Water Treatment Plant with members of the Committee being present for the purpose of the annual review of the Solid Waste Management Plan which Lyon County is required by statute to have; and

WHEREAS, the Solid Waste Management Plan Annual Review for Chase County, Lyon County, and the City of Emporia was adopted with amendments as set out by the Solid Waste Management Planning Committee minutes of February 24, 2022; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS that the City of Emporia Solid Waste Management Plan attached hereto with the amendments approved by the Solid Waste Management Planning Committee is hereby adopted as the Solid Waste Management Plan for Chase County, Lyon County, and the City of Emporia by the Emporia City Commission upon publication.

APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS this 16th Day of March 2022.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Title: February Financials & Building Permits
Proposed Agenda Date: March 16, 2022
Presented By: Trey Cocking, City Manager

BACKGROUND:

This is a time for general information regarding the month of February 2022 to the community.

DISCUSSION:

1) Monthly Local Retail Sales Tax Receipts Update

2021	2022	Increase of \$78,632.68 for the month, and
\$460,043.09	\$538,675.77	Overall increase of 17.19% from year 2021
YTD \$ 856,395.49	\$ 1,003,613.06	

2) City Share from County Tax

2021	2022	Increase of \$48,379.79 for the month, and
\$231,104.54	\$279,484.33	Overall increase of 20.16% from year 2021
YTD \$ 430,746.72	\$ 517,580.25	

3) Building Permits issued from 2/1/2022 to 2/28/2022 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	77
Total of valuations associated with those building permits:	\$ 888,267.00
Total number of dollars collected for Building Permit Fees:	\$ 9,019.38

Construct - single family dwellings	1
Demo - single family dwellings	0

Flint Hills Mall CID for February 2022	\$ 20,887.05
Year to Date Total	\$ 36,066.66

FINANCIAL CONSIDERATIONS:

N/A

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

N/A

ATTACHMENTS:

N/A



Commission Action Report

Title: Set Bid Date & Time for 2022 Street Rehabilitation Paving Project
Proposed Agenda Date: March 16, 2022
Presented By: James Ubert, City Engineer

BACKGROUND:

The 2022 Street Rehab Project will consist of milling and pavement overlay operations, replacement of failed curb and gutter sections, and select sidewalk/ADA ramp improvements along the following street segments:

Base Bid Projects

Sherwood Way (*Mayfair St to Washington Park*)

Neosho St (*12th Ave to 15th Ave*)

S Merchant St (*Cul de Sac to Logan Ave*)

Woodland St (*9th Ave to 12th Ave*)

Rural St (*3rd Ave to 4th Ave & 4th Ave to 6th Ave*)

9th Ave (*Elm St to Prairie St & West St to Lawrence St*)

14th Ave (*State St to Neosho St*)

Grove Ave (*Lincoln St to Garfield St*)

Cottonwood St (*E10th Ave to E 12th Ave*)

Prairie Ln (*Cul de Sac to Prairie St*)

Add Alternate Street segments:

Wilson St (*3rd Ave to 5th Ave & 5th Ave to 6th Ave*)

Oaks Dr (*Graphic Arts Rd to Pet Food Entrance*)

15th Ave (*Merchant St to Center St*)

DISCUSSION:

Set Tuesday, April 12th, 2022 at 2:00 pm as the time and date to receive bids for the 2022 Street Rehabilitation Paving Project.

FINANCIAL CONSIDERATIONS:

The 2022 Street Rehabilitation Paving Project shall be funded by a county sales tax/multi-year fund.

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Set bid date and time.

ATTACHMENTS:

Invitation to Bid.

INVITATION TO BID

Sealed bids for the **2022 Street Rehabilitation (Various Streets) Project No. PV2203** will be received at the office of the City Clerk, City of Emporia, Kansas located at 104 E. 5th Avenue, up to **2:00 p.m.** on **Tuesday, April 12th, 2022**, and then publicly opened in the Engineering Department's Conference Room located at 522 Mechanic Street. A pre-bid conference will be held at 2:00 p.m. on Tuesday, April 5th, 2022, at the same location.

The work for the 2022 Street Rehabilitation (Various Streets) Project will consist of the approximate quantities:

Base Bid:

ITEM	QUANTITY	UNIT
Mobilization	1	LS
Asphalt Milling	33911	SQYD
Asphalt Milling (5" Avg. Depth)	3179	SQYD
Concrete Edge Milling (1.5" Avg. Depth)	454	SQYD
HMA (Commercial Grade) (Class A)	4298	TON
Surface Grading and Compaction	3179	SQYD
Combined Material (AB-3) (6" Compacted)	220	SQYD
Crack Filling (>1/2" to <2")	162	LF
Stress Relief Interlay Fabric (24" Wide)	162	LF
Curb & Gutter (2'-6" Combined) (AE) (Remove & Replace)	964	LF
Concrete Pavement (6" Reinf.) (AE) (Remove & Replace)	303	SQYD
Concrete Sidewalk (4" Plain) (AE) (Remove & Replace)	128	SQYD
ADA Sidewalk Ramp	99	SQYD
Concrete Removal	13	SQYD
Utility Adjustment (Valve Box Riser) (Valve Box) (Water)	3	EA
Utility Adjustment (Concrete) (Valve Box) (Water)	7	EA
Utility Adjustment (Manhole Riser) (Manhole) (Sewer)	9	EA
Utility Adjustment (Concrete) (Manhole) (Sewer)	1	EA
Inlet Sediment Barrier	1	EA
Sediment Removal (Set Price)	1	CY
Permanent Seeding, Fertilizer and Mulch	1	LS
Traffic Control	1	LS
Flagger (Set Price)	1	HR

Add Alternate Bid:

Mobilization	1	LS
Asphalt Milling (1.5" Avg. Depth)	5,794	SY
HMA (Commercial Grade) (Class A) (1.5" Avg. Depth)	524	Tons
Crack Filling (>1/2" to <2")	120	LF
Stress Relief Interlay Fabric (24" Wide)	120	LF
Curb & Gutter (2'-6" Combined) (AE) (Remove & Replace)	810	LF
Concrete Pavement (6" Plain) (AE) (Remove & Replace)	103	SY
Concrete Pavement (4" Plain) (AE) (Remove & Replace)	2	SY

ADA Sidewalk Ramp	17	SY
Temporary Seeding, Fertilizer and Mulch	1	LS
Permanent Seeding, Fertilizer and Mulch	1	LS
Traffic Control	1	LS

Plans and bid documents are on file at the office of the City Engineer, 522 Mechanic Street, P.O. Box 928, Emporia, KS 66801 (620-343-4260). The cost for plans and bid documents is fifty dollars (\$50), which is nonrefundable. If the Contractor prefers plans and bid documents sent by UPS, there is an additional required fee of ten dollars (\$10). Also, the Contractor may request an electronic copy of plans and bid documents for a flat rate fee of twenty dollars (\$20). The City of Emporia 2014 Master Set of Specifications (for all projects) is available upon request for a cost of \$20 for a hard copy. A contractor either shall have a current set of City Master Specs or have a signed contractor's acknowledgement on file with the City Engineer's Office that they have read and shall abide by the 2014 Master Set of Specifications on the City Web page in order to bid City of Emporia projects.

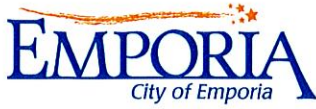
Each bid shall be accompanied by a certified check, a cashier's check, or an approved bidder's bond in an amount of not less than five percent (5%) of the total amount of the bid. Any bid bond must be with a surety and guaranty company authorized to do business in the State of Kansas and acceptable to the City as Surety.

The Bidder to whom the Contract is awarded will be required to furnish statutory bond in the amount of one hundred percent (100%) of the Contract, and performance and maintenance bond in the amount of one hundred percent (100%) of the Contract; the bonds to be acceptable to the City of Emporia, Kansas, and conform to the requirements of the Contract documents.

The City of Emporia, Kansas, reserves the right to reject any or all bids and to waive defects in bids. No bids will be withdrawn for a period of sixty (60) days after the time set for opening of bids.

If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact Jeff Lynch, City of Emporia ADA Coordinator at least 48 hours before the event at 620-343-4291 or e-mail jlynch@emporia-kansas.gov.

THE CITY OF EMPORIA, KANSAS
Kerry Sull
City Clerk



Commission Action Report

Title: Informational Items
Proposed Agenda Date: March 16, 2022
Presented By: Trey Cocking, City Manager

BACKGROUND:

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

DISCUSSION: At the time this Agenda was prepared, the following items were in the works for the tentative Agenda of the March 23, 2022, Study Session:

- Enterprise Leasing.
- Discuss Extra Strength Sewer Rate Increase.
- Discuss 12th Avenue Elevated Storage Tank Logo.

Future Commission Luncheons: Natural Resources Advisory Board Luncheon on 04/13/22 at noon in the Little Theatre.; RDA & Emporia Enterprises City/County Luncheon on 05/04/22 at 11:30 a.m. in the Little Theatre.

FINANCIAL CONSIDERATIONS:

N/A

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

N/A

ATTACHMENTS:

N/A



Commission Action Report

Title: Executive Session

Proposed Agenda Date: March 16, 2022

BACKGROUND:

At this time, the City Commission request an executive session for consultation with the City Attorney regarding a legal matter for 15-minutes and to invite Police Chief Ed Owens.

DISCUSSION:

N/A

FINANCIAL CONSIDERATIONS:

N/A

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Conduct Executive Session

ATTACHMENTS:

N/A

COMMISSION MEETING

1:30 P.M.

MARCH 2, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 2, 2022, with Mayor Smith presiding and Commissioners Brinkman, Giefer, Gilligan and Sauder present. Also present were City Manager Cocking, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

Presentations by individuals during "Citizen Appearance" portion of the Commission agenda shall be limited two minutes each. No personal attacks, comments or opinion shall be expressed or made against or about any member of the Commission, Mayor, City Employee, individual group or corporation.

There were no comments from the public at this time.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(800 and 900 Blocks of Commercial Street)
(Dynamic Discs Open Block Party & Food Truck Festival)
(Ordinance Number 22-10)**

AN ORDINANCE EXEMPTING AN AREA IN THE 800 BLOCK AND THE 900 BLOCK OF COMMERCIAL STREET AND 9TH AVENUE BETWEEN COMMERCIAL STREET AND THE ALLEY WEST OF COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION OF THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE DYNAMIC DISCS OPEN BLOCK PARTY AND FOOD TRUCK FESTIVAL EVENT APRIL 20, 2022, to which the City Clerk assigned Ordinance Number 22-10, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Emporia Main Street and Mixers and Shakers are requesting permission to host a beer garden to sell and serve alcohol in connection with Dynamic Disc Open Block Party & Food Truck Festival on April 30, 2022. The request for the beer garden in the 800 and 900 blocks of Commercial Street and 9th Avenue between Commercial Street and the alley west of Commercial Street on April 30, 2022 between the hours of 5:00 p.m. and 10:00 p.m. The beer garden will be enclosed by city fencing in a location approved by the Chief of Police.

The applicant will be required to meet city and state requirements for alcohol sales.

Commissioner Gilligan made a motion to approve Ordinance Number 22-10, an ordinance exempting the 800 block and 900 block of Commercial Street and 9th Avenue between Commercial Street and the alley west of Commercial Street from the prohibition of the sale and consumption of alcoholic beverages for the Dynamic Discs Open Block Party & Food Truck Festival on April 30, 2022. Commissioner Sauder seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; and Mayor Smith, aye. Commissioner Brinkman abstained from the vote.

**CITY COMMISSION
(Peter Pan Park - Monkey Island Project)
(Agreement and Release of Liability with Rick Eubanks)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated an Emporia citizen, Rick Eubanks, approached city staff with an idea to improve the structure at Monkey Island in Peter Pan Park. She stated Mr. Eubanks would like to fund the project and do the work himself at no cost to the City. In the past, the City has allowed several beautification and art projects by private citizens on City property with a signed agreement and release of liability. She stated staff has prepared an Agreement and Release of Liability that Mr. Eubanks has agreed to sign. The Agreement includes provisions protecting the City from liability in the event of injury to Mr. Eubanks or damage to property. The Agreement also specifies that the City will retain all ownership rights with respect to Monkey Island and all improvements. The City retains the right to paint, cover, or removed the improvements at any time. She stated staff is recommending the approval of the agreements.

Commissioner Brinkman made a motion to approve the Agreement and Release of Liability for Monkey Island Project. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye;

Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

CITY COMMISSION
(Establishing Policy for Sale of Surplus City Owned Real Property)
(Resolution Number 3666)

Assistant City Manager Massey was recognized and addressed the Governing Body. He stated staff was directed to establish procedures for identifying and selling surplus City owned real property. Cities have general authority under K.S.A. 12-101 to "sell and convey any real or personal estate owned by the city..." K.S.A. 12-1739 authorizes cities to sell and public building and site, except otherwise provided by law, "upon such terms and in such manner as the governing body may deem to be in the best interest of the city." Further, under home rule power, cities have broad discretion regarding the sale and disposition of city property.

Following further discussion, Commissioner Gilligan made a motion to approve Resolution Number 3666, a resolution that establishes a policy for sale of surplus city owned property. Commissioner Giefer seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Consent Agenda

It was moved by Commissioner Brinkman, seconded by Commissioner Giefer that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on February 16, 2022 and the Adjourned Meeting held on February 23, 2022.
- b. Consider ratification of Payroll Ordinances for the period ending on February 11, 2022.
- c. Consider approval of Change Order No. 1 for Americus Road Sanitary Sewer Extension Proposal in the amount of \$105,958.00.

The vote follows: Commissioner Brinkman aye; Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

Tentative Agenda for March 9th Study Session at 10:00 a.m.

- Discuss 12th Avenue Elevated Storage Tank Logo.
- Discuss Extra Strength Sewer Rate Increase.
- Discuss Sewer System Connection Policy.
- Discuss Fireworks.

City Manager Cocking discussed the request of funding from Emporia State University, Flint Hills Technical College and possible childcare solutions have been presented to the City of Emporia. He suggested creating a committee to review external applications for recommendations to the City Commission. Further discussion and committee formalization will need to be finalized before any action is taken.

**CITY COMMISSION
(Public Comment)**

This is the time for Mayor and City Commissioners to make comments and reports to the public. No comments were made at this time.

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session to discuss proprietary information of private enterprises and

to invite Special Projects Manager Jim Witt, from 1:45 p.m. to 2:05 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 2:05 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had discussed proprietary information of private enterprises and no action was taken.

Commissioner Brinkman then made a motion to adjourn to March 9, 2022 at 10:00 a.m. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk

ADJOURNED**COMMISSION MEETING****10:00 A.M.****MARCH 9, 2022**

The Governing Body of the City of Emporia, Kansas, met in Adjourned Session, Wednesday, March 9, 2022 in the City Commission Meeting Room with Mayor Smith presiding and Commissioners Brinkman, Giefer, and Gilligan. Also present were City Manager Cocking, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery. Commissioner Sauder arrived at 10:03 a.m.

CITY COMMISSION**(Establish Major Economic Development Program Grant Committee)
(Resolution Number 3667)**

City Manager Cocking stated the City of Emporia will received \$3,754,879.00 in American Rescue Plan funds from the Federal Government intended maintain vital public services, equipment request, deferred maintenance projects and small and large capital projects by making investments that support long-term growth and opportunity. He stated the City has been presented with requests for funding from educational institutions and community organizations to aid in pandemic recovery. A portion of the City's ARPA funding could be used to establish grant opportunities for local organizations and educational institutions to aid in the community to improve overall economic well-being of the community. Staff is targeting \$750,000.00 in ARPA funding to be utilized for this program. This proposed resolution would establish a grant committee to review external applications requesting the use of City ARPA funds as follows:

Each City Commission shall appoint one representative to the Grant Committee. The appointed members and their immediate family may not be employed or serve on the board of directors of any organization submitting an application.

A uniform application that includes the total amount of funding to be sought, expected economic benefits to the greater Emporia community, other federal funding that each organization has sought and/or received, additional requests for funding from the City expected over the next five (5) years, sustainability, matching funds, and other items necessary to review each grant.

The range of grant requests shall be from \$50,000.00 to \$400,000.00.

Deadline for grant applications will be 21 days after the City makes the application available. The Grant Committee shall submit written recommendations to the Governing Body within 14 days after the application deadline.

Following further discussion, Commissioner Gilligan made a motion to approve Resolution Number 3667, a resolution establishing a Grant Committee to review applications for pandemic recovery funds. Commissioner Giefer seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Commissioner Brinkman then made a motion to recess to the Study Session in the City Commission Meeting Room. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Gilligan, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith aye.

The Commission returned from recess following the Study Session.

Commissioner Gilligan made a motion to recess to the Strategic Planning Meeting in the Emporia Police Department Conference Room. Commissioner Giefer seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

The Commission returned from recess following the Strategic Planning Meeting. Commissioner Gilligan then made a motion to close the meeting. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye. Commissioner Sauder was absent.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk